

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2602**

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**Introduced by Assembly Member Gatto**

February 19, 2016

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An act to amend ~~Section~~ Sections 22511.5 and 22511.55 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2602, as amended, Gatto. Disabled parking placards.

*Existing law authorizes a disabled person to apply to the Department of Motor Vehicles (DMV) for the issuance of a distinguishing license plate or placard that entitles the person to park for unlimited periods in a restricted zone, as specified, and to park in metered spaces without paying parking meter fees. Existing law requires the distinguishing placard to be returned to the DMV not later than 60 days after the death of the person to whom the placard was issued. Existing law prohibits the DMV from issuing a distinguishing placard unless a certificate substantiating the person's disability is signed by a physician, nurse practitioner, certified nurse midwife, or physician assistant, unless the person's disability is readily observable and uncontested.*

*This bill would authorize a local authority to require a disabled person or disabled veteran to pay parking meter fees and to prohibit a disabled person or disabled veteran from parking for a period that exceeds the length of time permitted for that parking zone, pursuant to an ordinance or resolution adopted by the local authority at an open meeting, if specified conditions are satisfied. The bill would also require the DMV, if it becomes aware that a person to whom a disabled person parking placard was issued is deceased, to notify the informant identified*

*on the certificate of death of his or her legal responsibility to return the placard and to provide instructions on how to do so. The bill would require, as a prerequisite for the issuance or renewal of a distinguishing placard, that the certificate substantiating the person's disability be signed under penalty of perjury.*

*By expanding the crime of perjury, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law authorizes a disabled person or disabled veteran displaying a special license plate or a distinguishing placard issued by the Department of Motor Vehicles or a foreign jurisdiction to park for unlimited periods in a restricted zone or parking zone, as specified, and to park in metered spaces without paying parking meter fees.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 22511.5 of the Vehicle Code is amended
- 2 to read:
- 3 22511.5. (a) (1) A disabled person or disabled veteran
- 4 displaying a special license plate issued under Section 5007 or a
- 5 distinguishing placard issued under Section 22511.55 or 22511.59
- 6 ~~is allowed to~~ *may* park for unlimited periods in any of the following
- 7 zones:
- 8 (A) In any restricted zone described in paragraph (5) of
- 9 subdivision (a) of Section 21458 or on streets upon which
- 10 preferential parking privileges and height limits have been given
- 11 pursuant to Section 22507.
- 12 (B) In any parking zone that is restricted as to the length of time
- 13 parking is permitted as indicated by a sign erected pursuant to a
- 14 local ordinance.

1 (2) A disabled person or disabled veteran may park in any  
2 metered parking space without being required to pay parking meter  
3 fees.

4 (3) This subdivision does not apply to a zone for which state  
5 law or ordinance absolutely prohibits stopping, parking, or standing  
6 of all vehicles, or that the law or ordinance reserves for special  
7 types of vehicles, or to the parking of a vehicle that is involved in  
8 the operation of a street vending business.

9 *(b) Notwithstanding subdivision (a), a local authority may*  
10 *require a disabled person or disabled veteran to pay parking meter*  
11 *fees, and may prohibit a disabled person or disabled veteran from*  
12 *parking for a period that exceeds the length of time permitted for*  
13 *that parking zone, pursuant to an ordinance or resolution adopted*  
14 *by the local authority at an open meeting, if all of the following*  
15 *requirements are satisfied:*

16 *(1) The local authority performs a self-assessment of its*  
17 *compliance with the federal Americans with Disabilities Act of*  
18 *1990 (42 U.S.C. Sec. 12101 et seq.) with regard to its provision*  
19 *of parking spaces that are accessible to disabled persons.*

20 *(2) The assessment is made publicly available on an Internet*  
21 *Web site at least 30 days prior to the meeting to discuss the*  
22 *proposed ordinance or resolution.*

23 *(3) The public is provided with an opportunity to comment on*  
24 *the assessment and proposed ordinance or resolution at the*  
25 *meeting.*

26 *(4) The local authority posts signs indicating that a person*  
27 *displaying a special license plate or placard is required to pay*  
28 *parking meter fees and is prohibited from parking for a period*  
29 *that exceeds the permitted length of time.*

30 *(5) The local authority makes all reasonable accommodations,*  
31 *including the provision of free parking for individuals who, by*  
32 *virtue of their disability, are unable to insert payment into a*  
33 *parking meter.*

34 ~~(b)~~

35 ~~(c)~~ A disabled person or disabled veteran ~~is allowed to~~ may park  
36 a motor vehicle displaying a special disabled person license plate  
37 or placard issued by a foreign jurisdiction with the same parking  
38 privileges authorized in this code for any motor vehicle displaying  
39 a special license plate or a distinguishing placard issued by the  
40 Department of Motor Vehicles.

1     *SEC. 2. Section 22511.55 of the Vehicle Code is amended to*  
2     *read:*

3     22511.55. (a) (1) A disabled person or disabled veteran may  
4     apply to the department for the issuance of a distinguishing placard.  
5     The placard may be used in lieu of the special license plate or  
6     plates issued under Section 5007 for parking purposes described  
7     in Section 22511.5 when (A) suspended from the rearview mirror,  
8     (B) if there is no rearview mirror, when displayed on the dashboard  
9     of a vehicle, or (C) inserted in a clip designated for a distinguishing  
10    placard and installed by the manufacturer on the driver's side of  
11    the front window. It is the intent of the Legislature to encourage  
12    the use of distinguishing placards because they provide law  
13    enforcement officers with a more readily recognizable symbol for  
14    distinguishing vehicles qualified for the parking privilege. The  
15    placard shall be the size, shape, and color determined by the  
16    department and shall bear the International Symbol of Access  
17    adopted pursuant to Section 3 of Public Law 100-641, commonly  
18    known as the "wheelchair symbol." The department shall  
19    incorporate instructions for the lawful use of a placard, and a  
20    summary of the penalties for the unlawful use of a placard, into  
21    the identification card issued to the placard owner.

22    (2) (A) The department may establish procedures for the  
23    issuance and renewal of the placards. The procedures shall include,  
24    but are not limited to, advising an applicant in writing on the  
25    application for a placard of the procedure to apply for a special  
26    license plate or plates, as described in Section 5007, and the fee  
27    exemptions established pursuant to Section 9105 and in subdivision  
28    (a) of Section 10783 of the Revenue and Taxation Code. The  
29    placards shall have a fixed expiration date of June 30 every two  
30    years. A portion of the placard shall be printed in a contrasting  
31    color that shall be changed every two years. The size and color of  
32    this contrasting portion of the placard shall be large and distinctive  
33    enough to be readily identifiable by a law enforcement officer in  
34    a passing vehicle.

35    (B) As used in this section, "year" means the period between  
36    the inclusive dates of July 1 through June 30.

37    (C) Prior to the end of each year, the department shall, for the  
38    most current three years available, compare its record of disability  
39    placards issued against the records of the Office of Vital Records  
40    of the State Department of Public Health, or its successor, and

1 withhold any renewal notices that otherwise would have been sent  
2 for a placardholder identified as deceased.

3 (3) Except as provided in paragraph (4), a person shall not be  
4 eligible for more than one placard at a time.

5 (4) Organizations and agencies involved in the transportation  
6 of disabled persons or disabled veterans may apply for a placard  
7 for each vehicle used for the purpose of transporting disabled  
8 persons or disabled veterans.

9 (b) (1) Except as provided in paragraph (4), prior to issuing ~~an~~  
10 ~~original or renewing a~~ distinguishing placard to a disabled person  
11 or disabled veteran, the department shall require the submission  
12 of a certificate, in accordance with paragraph (2), signed *under*  
13 *penalty of perjury* by the physician and surgeon, or to the extent  
14 that it does not cause a reduction in the receipt of federal aid  
15 highway funds, by a nurse practitioner, certified nurse midwife,  
16 or physician assistant, substantiating the disability, unless the  
17 applicant's disability is readily observable and uncontested. The  
18 disability of a person who has lost, or has lost use of, one or more  
19 lower extremities or one hand, for a disabled veteran, or both hands,  
20 for a disabled person, or who has significant limitation in the use  
21 of lower extremities, may also be certified by a licensed  
22 chiropractor. The blindness of an applicant shall be certified by a  
23 licensed physician and surgeon who specializes in diseases of the  
24 eye or a licensed optometrist. The physician and surgeon, nurse  
25 practitioner, certified nurse midwife, physician assistant,  
26 chiropractor, or optometrist certifying the qualifying disability  
27 shall provide a full description of the illness or disability on the  
28 form submitted to the department.

29 (2) The physician and surgeon, nurse practitioner, certified nurse  
30 midwife, physician assistant, chiropractor, or optometrist who  
31 signs a certificate submitted under this subdivision shall retain  
32 information sufficient to substantiate that certificate and, upon  
33 request of the department, shall make that information available  
34 for inspection by the Medical Board of California or the appropriate  
35 regulatory board.

36 (3) The department shall maintain in its records all information  
37 on an applicant's certification of permanent disability and shall  
38 make that information available to eligible law enforcement or  
39 parking control agencies upon a request pursuant to Section  
40 22511.58.

(4) For a disabled veteran, the department shall accept, in lieu of the certificate described in paragraph (1), a certificate from the United States Department of Veterans Affairs that certifies that the applicant is a disabled veteran as described in Section 295.7.

(c) A person who is issued a distinguishing placard pursuant to subdivision (a) may apply to the department for a substitute placard without recertification of eligibility, if that placard is lost or stolen.

(d) (1) The distinguishing placard shall be returned to the department not later than 60 days after the death of the disabled person or disabled veteran to whom the placard was issued.

(2) *If the department becomes aware that the person to whom the placard was issued is deceased, the department shall notify the informant identified on the certificate of death of his or her legal responsibility to return the placard to the department and provide instructions on how to do so.*

(e) The department shall print on any distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461. For purposes of this subdivision, the “maximum penalty” is the amount derived from adding all of the following:

(1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

*SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*  
2 *Constitution.*

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